

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1266 OF 2005

Dr. Dilip Murlidhar Yelgaonkar ...Petitioner

Versus

Satish Rangnath Kulkarni & Ors. ...Respondents

.....

Mr. Uday P. Warunjikar, counsel for Petitioner

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CORAM: B. H. MARLAPALLE, J.

DATED: 15TH MARCH, 2005

P. C.:-

1. Heard Mr. Warunjikar, the learned counsel for the petitioner.

2. Though the reasoning given by the learned Ist Ad-hoc Additional District Judge at Satara in support of the impugned order dated 17.9.2004, does not call for any interference. It would be appropriate that the Regular Civil Appeal No. 293 of 2001 is decided within a fixed period and in the meanwhile the suit property is protected.

3. Hence, the petition is disposed of by directing the lower appellate court to hear and decide Regular Civil Appeal No.293 of 2001 on its own merits as expeditiously as possible and preferably within a

period of six months. During the pendency of the appeal, no third party interest by any means shall be created in respect of the suit immoveable property. In addition, the moveable property would not be disposed of unless leave from the lower appellate court is obtained.